THE HONOUABLE SRI JUSTICE V.ESWARAIAH

C

Between:

P.Anjaneyulu Goud

.. PETITIONER

AND

The Commissioner of Police, Hyderabad and two others

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the official respondents herein in interfering with the civil dispute relating to house property bearing Plot No.14 in Sy.No.278, admeasuring 618-33 square yards situated at Vinobanagar, Sainikpuri, Neredmet village, Malkajigiri mandal, Ranga Reddy District at the instance of the 3rd respondent and pressuring to settle the civil case existing between the petitioner and the 3rd respondent, as illegal and arbitrary.

It is the case of the petitioner that the 3rd respondent appears to have purchased the plot bearing No.24 admeasuring
283 sq. yards situated at Neredmet village, Malakajigiri, Vallabnagar, Ranga Reddy District in the year 1985. It is stated that under the guise of rectification deed, the 3rd respondent is interfering with the peaceful possession and enjoyment of the property of the petitioner and therefore, the petitioner was constrained to file the suit O.S.No.298 of 2005 on the file of the Principal Junior Civil Judge (West and South), Ranga Reddy and the said suit is pending. While the suit is pending, the third respondent lodged a complaint as if the petitioner is illegally trying to occupy the said property. It is stated that if any complaint is filed against the petitioner, it is for the police to take criminal action but the police cannot interfere with the civil dispute under the guise of investigating the case.

A counter has been filed by the 2nd respondent stating that the 3rd respondent lodged a complaint on 20.02.2005 alleging that the third respondent purchased house bearing No.38-10/1 on Plot Nos.24 and 25 Vinobha Nagar, Neredmet village, Malkajigiri mandal, Ranga Reddy and that some unknown miscreants broke opened the compound wall and illegally occupied the said property and basing on the said complaint, a case in
Crime No.60 of 2005 under Sections 447 and 427 IPC was registered

on 20.02.2005 and during the course of investigation, it was disclosed that the petitioner himself trespassed into the said plot by demolishing the compound wall and therefore, the petitioner was shown as an accused and remanded to judicial custody and later he was enlarged on bail.

Insofar as the interference of the civil rights and disputes are concerned, it has been categorically denied in the counter that the official respondents never asked the petitioner to attend the police station or warned him to vacate the premises or pressurized him to settle the civil disputes.

In view of the aforesaid denial of the allegations and as there was no interference by the police at the instance of the third respondent and except registering the crime, the police never interfered with the civil disputes, I am of the opinion that no further orders are required to be passed in the writ petition and the writ petition is liable to be closed.

Accordingly, the writ petition is closed. No costs.

_____

V.ESWARAIAH, J.

Date:20.08.2007
ccm